

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.06.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE M.NIRMAL KUMAR

H.C.P.No.561 of 2018

Dr.Bindu Bhaskaran

.. Petitioner

Vs.

1. The Deputy Superintendent of Police,
Vellavedu Range,
Thiruvallur District

2. The Inspector of Police,
B-7, Vellavedu Police Station,
Thiruvallur District

3. Prashant Singh

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus in directing the Respondents 1 and 2 to produce the Petitioner's son Master Aarnav Singh @ Montu, aged 13 years from the custody of the 3rd Respondent before this Court.

For Petitioner : Mr.R.Vasudevan

For Respondents : Mr.R.Prathap Kumar for R1 and R2
Additional Public Prosecutor
Mr.Rakesh Yadav for R3

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

The Petitioner has preferred the instant Writ of Habeas Corpus Petition praying for passing of an order by this Court in directing the Respondents 1 and 2 to produce her son, viz., Master Aarnav Singh @ Montu aged 13 years from the custody of the 3rd Respondent.

2. Heard the Learned Counsel for the Petitioner, Learned Additional Public Prosecutor for the Respondents 1 and 2 and Learned Counsel for the 3rd Respondent.

3. It comes to be known that the 3rd Respondent / Father, had furnished an undertaking letter dated 26.05.2018 to the Inspector, Khondava Police Station, Pune, interalia stating that 'He would present his son, viz., Aarnav Singh aged about 12 years and 7 months at the High Court Premises on or before 06.06.2018 at 10.30 a.m.'

4. Today, the Petitioner's son, viz., Master Aarnav Singh @ Montu is produced before this Court by the 3rd Respondent / father [Husband of the Petitioner]. This Court has interacted with the Petitioner's minor son, viz., Aarnav Singh @ Montu, who informed that his Date of Birth is 07.10.2005 and he had studied in 6th and 7th Standard at Chennai Public School, Thirumazhisai, Tiruvallur District and now, he is in the process of admitting himself through the 3rd Respondent / Father at Mansukhbhai Kothari National School, Pune and the Mansukhbhai Kothari National School Authorities are insisting for production of Transfer Certificate, Mark Sheet and Promotion Card from the earlier school, namely, Chennai Public School, Thirumazhisai. Further, the Learned Counsel for the 3rd Respondent / Father has produced a Receipt No.2283 of Mansukhbhai Kothari National School dated 25.04.2018, which shows that a sum of Rs.1,700/- [Rupees One Thousand Seven Hundred only] was paid towards transport fee for the month of June 2018. The minor son of the Petitioner, viz., Aarnav Singh had further stated that he is residing with his father, viz., 3rd Respondent along with grand parents at Plot No.105, Wing-E, 1st Floor, Godrej, Horizon, Undri, Pune City, Pune, Maharashtra - 411 060 and interested only to be with his father.

5. Moreover, the minor son of the Petitioner, viz., Aarnav Singh had stated before this Court that his last exam was on 16.03.2018 [Language III, French] in Chennai Public School, Thirumazhisai and he called his mother through his father's phone stating that he along with his father are proceeding to Chennai Airport and informed her that they will be proceeding to Pune. It appears that based on the information of the Petitioner, the Airport Police had enquired with the 3rd Respondent and the minor son, viz., Aarnav Singh and the Airport Police after getting satisfied themselves permitted the 3rd Respondent to proceed along with his minor son, viz., Aarnav Singh.

6. Further, the minor son of the Petitioner, viz., Aarnav Singh had informed this Court that his father went to Pune in November, 2017 and he is staying along with his father and grand parents at Pune address, Maharashtra, as stated supra. When we interacted with the minor son of the Petitioner, viz., Aarnav Singh, he informed this Court that he is interested to proceed along with his father, viz., 3rd Respondent.

7. According to the 3rd Respondent, he had started a Company viz., Chillibeets Technologies Private Limited, registered under the Office of the Registrar of Companies, Bihar having registered office at Phulwari, Shorf, Patna, Pincode-841 301 bearing R.O.C. No.U722006BR20150PC025041 and Corporate office at Magarpatta, I.T.Park, Pune - 411 048 and the Mobile Number is, 9940684795.

8. Considering the fact that the Petitioner and the 3rd Respondent are not living together and this Court taking note of the yet another prime fact that the relief sought for by the Petitioner / Wife in the main Writ of Habeas Corpus Petition is for the production of her minor son, viz., Master Aarnav Singh [aged about 13 years] from the custody of 3rd Respondent and in view of the fact that the 3rd Respondent / Father has produced the minor son, Master Aarnav Singh and also this Court considering the facts and circumstances of the case, directs the Petitioner to workout her remedy before the competent Court seeking custody of her minor son, viz., Master Aarnav Singh and for any other relief, of course, in the manner known to Law and in accordance with Law.

With the aforesaid observations, the Writ of Habeas Corpus Petition is disposed of.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

ssd

To

1. The Deputy Superintendent of Police,
Vellavedu Range,
Thiruvallur District
 2. The Inspector of Police,
B-7, Vellavedu Police Station,
Thiruvallur District
 3. The Public Prosecutor,
High Court, Madras
- +2 Ccs to Mr.R. Vasudevan, Advocate sr 34929.
+1 CC to Rakesh Yadav, Advocate sr 35707

H.C.P.No.561 of 2018

SP(19/06/2018)